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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/143,233	08/28/1998	ELIYAHOU HARARI	SNDK.006UST	3263
66785 7590 06/23/2010 DAVIS WRIGHT TREMAINE LLP - SANDISK CORPORATION 505 MONTGOMERY STREET SUITE 800 SAN FRANCISCO, CA 94111			EXAMINER NGUYEN, HIEN N	
			ART UNIT 2824	PAPER NUMBER
			MAIL DATE 06/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/143,233	Applicant(s) HARARI ET AL.	
	Examiner HIEN N. NGUYEN	Art Unit 2824	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Appeal Brief filed on 8/12/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 68-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 68-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1. In view of the Appeal Brief filed on 8/12/09, PROSECUTION IS HEREBY REOPENED. A new ground of rejection set forth below.**

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Richard Elms. /Richard Elms/

Supervisory Patent Examiner, Art Unit 2824

Art Unit: 2824

2. **Claims 68-78** remain pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 68-78** are rejected under 35 U.S.C. 102(e) as being anticipated by Nijima et al. (U.S. Patent No. 5,546,402).

- **Regarding independent claims 68, 71 and 74**, Figures 3-11 of Nijima show a memory comprising a plurality of word lines (32), a plurality of bit lines (33); and a plurality of memory cells (31), wherein each of said memory cells corresponds to a selected one of said plurality of word lines and a selected one of said plurality of bit lines (see column 4, lines 40-50), wherein said plurality of memory cells are divided into a first group of memory cells (Data Area 36) and a second group of memory cells, (Tag Area 37) said first group of memory cells being provided for storing data and said second group of memory cells being provided for storing attribute data of said first group of memory cells, wherein said attribute data includes a number of rewriting of said first group of memory cells. See *Figure 3 and 7. Also columns 6-8 and column 9, lines 40-50.* Note here

Art Unit: 2824

that the limitation of “memory cells for storing 512 bytes” in claim 71 is well known in the art of memory.

- **Regarding independent claims 69, 73 and 77**, Figures 3-11 of Nijima disclose a memory wherein said first group of memory cells and said second group of memory cells are accessible by a common sector address (*Area 64 of Figure 6*).
- **Regarding independent claims 70, 72, 75, 76 and 78**, Figures 3-11 of Nijima disclose a memory further comprising an erasing circuit to erase data stored in at least one or more of said plurality of memory cells in response to an erasing signal. *See columns 6-9 and claims 1 and 3.*

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- *Nakada (US Patent No. 4,870,621) and Hirose et al. (US Patent No. 5,689,676)*, which disclose various “method of storing/writing in a EEPROM” are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEN N. NGUYEN whose telephone number is (571)272-1879. The examiner can normally be reached on Monday through Thursday 9:30 AM to 7:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Elms can be reached on (571) 272-1869. The

Art Unit: 2824

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HN

June 19, 2010

/Richard Elms/
Supervisory Patent Examiner, Art Unit 2824
6.21.10